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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/624,572	07/23/2003	Satoshi Tanaka	240581US3	6619

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EXAMINER

CASAREGOLA, LOUIS J

ART UNIT PAPER NUMBER

3746

DATE MAILED: 03/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

SP

Office Action Summary

Application No.

10/624,572

Applicant(s)

TANAKA ET AL.

Examiner

Louis J. Casaregola

Art Unit

3746

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☐ Claim(s) ____ is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☒ Claim(s) 1-8 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
 Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
 Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

Restriction Requirement

Restriction to one of the following inventions is required under 35 USC 121:

I. Claims 1-6 drawn to a method and computer program for controlling a combined gas and steam power plant classified in Class 60, subclass 773, and

II. Claims 7 and 8 drawn to an apparatus for controlling a combined gas and steam power plant classified in Class 60, subclass 39.182.

The inventions of Groups I and II above are distinct for the following reasons:

The method of Group I could be performed by apparatus materially different than that of Group II. The Group I method does not necessarily require a system comprising distinct input, trigger, calculation, and output units organized and arranged in the manner specified in the Group II apparatus. The method could, for example, be implemented with a simplified system in which a number of the recited steps are performed manually.

Furthermore, the Group II apparatus could be used without a program of the type specified in Group I. The various control units in the apparatus could take the form of conventional hydro-mechanical control components that operate without any form of program or software.

Because these inventions are distinct for the reasons given above and require separate classification and/or divergent fields of search, restriction for examination purposes as indicated is proper.

Applicants are advised that even in the event that the restriction requirement is traversed, the response to this requirement to be complete must include an election of the invention to be examined.

In addition to the above restriction involving method, program, and apparatus, further election of individual species is required.

Species Election

This application encompasses three species of the inventive subject matter. These include the species of Figure 1, the species of Figure 5, and a third, unillustrated species that involves use of a predetermined constant rather than an actual load value (see specification; page 16, line 14 to page 17, line 20). Pursuant to 35 USC 121, applicants are required for a complete response to (1) elect a single disclosed species and (2) list all claims readable on the elected species including any claims subsequently added (MPEP 809.02(a)). In the event that the unillustrated species is elected, applicants are further required for a complete response to submit an additional drawing figure properly showing that species.

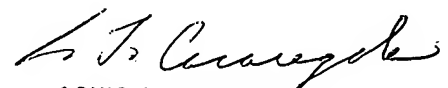
None of the present claims appear to be properly generic to all species.

Applicants are also advised that a mere argument alleging that a generic claim exists or is allowable will not satisfy a species election requirement. For a complete re

response, applicant must elect a single species and list the claims readable on that species as set forth above.

It is additionally noted that the combined restriction and election requirements along with the complexity of the inventive subject matter render the present application unsuitable for election by telephone, hence, applicants have not been offered the option of a telephone election in this instance.

L. J. Casaregola
571-272-4826 (M-F; 7:30-4:00)
703-872-9306 FAX
March 11, 2005



LOUIS J. CASAREGOLA
PRIMARY EXAMINER

If repeated attempts to reach the examiner by telephone are unsuccessful, the art unit supervisor, Cheryl Tyler, can be reached at 571-272-4834.

Information regarding the status of this application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR, and status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).